

PUBLIC HEARING FOR THE
DEWEY-BURDOCK UNDERGROUND
INJECTION CONTROL DRAFT PERMITS
AND PROPOSED ACQUIFER EXEMPTION

April 27, 2017
4:00 p.m. to 8:35 p.m.

Niobrara Lodge
803 US Highway 20
Valentine, NE 69201

1 REGIONAL JUDICIAL OFFICER SUTIN: Okay.
2 Good afternoon, Everyone. My name is Elyana
3 Sutin, and I am the Regional Judicial Officer
4 from EPA, the Environmental Protection Agency,
5 in our Denver office in Colorado.

6 Thank you all for coming today. I will be
7 chairing the hearing. And in addition to
8 myself, you may have already met some of the
9 other EPA staff that are here to assist in this
10 hearing to ensure everyone who wants to speak
11 has the opportunity to do so.

12 Before we get started, I'd like to introduce
13 those folks so you know who they are if you have
14 any questions. First, in the back of the room
15 Douglas Minter, if you want to wave your hand.
16 Douglas is the unit manager of the Underground
17 Injection Unit, the Office of Water Protection
18 at EPA.

19 Valois Shea, she's sitting up here. She
20 works with Douglas in the Underground Injection
21 Unit.

22 Lynne Newton, all the way in the back there,
23 also works with Valois and Douglas.

24 Rich Mylott is our Public Affairs Specialist
25 in the Office of Communication.

1 And then Katherin Hall is sitting at the
2 table up here. Katherin is also a presiding
3 officer from EPA and works with me.

4 On March 6, 2017, EPA issued two Draft
5 Underground Injection Control, or UIC, Area
6 Permits to Powertech USA, Inc., for injection
7 activities related to the uranium recovery near
8 Edgemont, South Dakota.

9 The draft permits include a UIC Class III
10 area permit for injection wells for the in-situ
11 recovery of uranium, and a UIC Class V area
12 permit for deep injection wells for disposal of
13 treated in-situ recovery process waste fluids.

14 The EPA is also proposing an aquifer
15 exemption approval in connection with the draft
16 UIC Class III area permit. We are here today,
17 as I said, to listen to your comments on these
18 area permits and aquifer exemption. The public
19 comment period is open until May 19, 2017.

20 In addition to this hearing, four public
21 hearings will be held in May. These hearings
22 will be May 8th and 9th in Rapid City,
23 South Dakota at the Best Western Ramkota Hotel;
24 May 10th in Hot Springs, South Dakota at the
25 Mueller Center; and May 11th in Edgemont,

1 South Dakota at the St. James Catholic Church.

2 For more information on times and location
3 addresses, please visit the registration table
4 or EPA's Website.

5 In a moment, Ms. Shea will explain in more
6 detail what was proposed in the notice. But
7 before I turn it over to her, I'd like to
8 explain a bit about how today's hearing will
9 work.

10 We will take testimony today from 5:00 until
11 8:30 with a half-hour break from 6:00 to 6:30.
12 I will call speakers to this microphone if you
13 have filled out a card at the registration
14 table. When it is your turn to speak, please
15 state your name before you begin your testimony.

16 In order to be fair to everyone, we will
17 limit our testimony to five minutes each. We
18 will signal to you when you have one minute left
19 with a yellow triangle. And then when five
20 minutes has passed, we will signal again with
21 the red stop sign, and I will ask you to
22 complete your testimony.

23 Please try to be as succinct and on-point as
24 you can. If I have -- if I find that you are
25 straying from the topic at hand, I will

1 interrupt and ask you please to return to the
2 issue before us.

3 If we have time at the end and everyone has
4 had the chance to speak and you have more to say
5 than the five minutes you were given, then I
6 will allow people to get back up and finish
7 their comments.

8 After you finish your testimony, members of
9 the panel, which is myself and Valois, may ask
10 clarifying questions. We are not here to
11 explain the basis for the proposal -- the notice
12 does that -- nor can we engage in a
13 back-and-forth discussion of the proposal or
14 respond to your comments during the hearing.

15 The purpose of this hearing is to receive
16 your input. We will consider and then respond
17 to all comments received during this hearing as
18 well as written comments in the final permit and
19 aquifer exemption determination.

20 So once we start with testimony, we will not
21 be answering any questions during that time,
22 just so that is clear.

23 We are recording the hearing today and this
24 evening, so be assured that your comments will
25 be considered. The court reporter sitting at

1 the table in front here will be preparing a
2 transcript of today's proceeding that will be
3 available for anyone who wants to see it.

4 The transcript is part of the record and
5 will be included in the docket for this matter.
6 The docket is where EPA collects materials it
7 has considered in its action, including public
8 comments.

9 The docket is available on our internet
10 site, and you can -- you can also review a hard
11 copy at EPA's Denver office. The transcript of
12 this hearing will also be available in that
13 docket.

14 If you have written copies of your
15 testimony, please give a copy to our staff at
16 the registration table. This will be helpful as
17 we prepare the transcript.

18 If you have other written comments or
19 supporting documentation that you would like to
20 provide, you may leave those at the registration
21 table as well, and we will make sure they are
22 entered into the docket for these -- for this
23 proposed action.

24 You also may submit written comments
25 directly to the docket through May 19th.

1 Instructions for submitting comments can be
2 found at the registration table.

3 I will ask Ms. Shea to come up and provide
4 some additional information at this point.

5 MS. SHEA: Well, first of all, I would like
6 to thank everyone for being here. Your
7 participation is very important, and we
8 appreciate the effort that you went to to come
9 here with us today to listen to what is being
10 said.

11 And as Judge Sutin said, we are taking down
12 every word you say and all your written
13 comments, and they will be considered before we
14 make a final determination. So thank you for
15 attending.

16 The matter at hand before us is the proposed
17 Dewey-Burdock Uranium Recovery Site near
18 Edgemont, South Dakota. We scheduled the
19 hearing in Valentine because we wanted a venue
20 that's close to the southern areas of the
21 reservations that we're consulting with.

22 And I admit that I did not think about the
23 impression that the citizens of Valentine would
24 have when we have a public hearing in their
25 town.

1 This will not impact your Ogallala aquifer
2 in any way. The Ogallala aquifer does not
3 extend up to the location of the Dewey-Burdock.
4 So I apologize for the misunderstanding there,
5 but we still appreciate you coming.

6 You do have a valuable input because you do
7 have the Crow Butte facility at the northwestern
8 part of your state. So we're very happy to hear
9 whatever you have to say about protection of
10 aquifers and concerns about uranium development.

11 So the EPA Underground Injection Control
12 program regulates injection wells. We have
13 proposed two injection well permits, one for the
14 recovery of uranium and one for the disposal of
15 treated fluids, waste fluids from the process.

16 We have developed the two permit documents,
17 and then the fact sheets that explain the permit
18 requirements. So we're specifically asking for
19 your comments on these documents.

20 And the more specific your comments are
21 about where these permits fall short of
22 protecting aquifers and anything related to the
23 protection of aquifers, the more helpful that
24 will be in directly addressing our purview, our
25 regulatory purview.

1 This -- the first step of the public
2 participation process is issuing these draft
3 permits. And I'll just go ahead and say, the
4 most -- probably the most prevalent comment I
5 have is, Why is EPA issuing these permits? It
6 is because we have regulations that set aside a
7 procedure for us to follow when we have a permit
8 application.

9 We issue draft permits that are only
10 proposed. We take public comment, and then we
11 consider the public comments before making a
12 final decision. So it is not because we are
13 insane that we are issuing these draft permits;
14 it's because we're following our regulations.

15 And I think that the public in general was
16 very surprised. It sounds like this is way out
17 of EPA's purview to issue a permit like this.
18 So I wanted to explain that we are following a
19 procedure and not anything else related to our
20 mental capacities.

21 Let's see. We are taking this public
22 comment period very seriously. Our regulations
23 require us to have a 30-day comment period and
24 offer public comment and offer a public hearing
25 if there is interest.

1 We've extended our public comment period
2 through May 19th, and we're offering four
3 different public hearings, including two days in
4 Rapid City.

5 Today you may not feel that you have
6 anything you wish to say. As you sit here and
7 listen to other people speak, you may find that
8 you do have something to say, and we do have
9 time today for you to make those statements.

10 Or you may find that after hearing what
11 people say today and considering the
12 information, you might want to speak at another
13 public hearing. We certainly welcome that.

14 The public hearings are a very important
15 part of this process because it allows you to
16 meet other people who have -- who share ideas.

17 You can continue to collaborate through the
18 end of this permitting process, and I hope that
19 you will have an opportunity to meet other
20 people and share ideas and stay in touch and
21 help us with our comment period.

22 Let's see what else my notes say here. We
23 do have other documents that we've developed, an
24 Environmental Justice Analysis, a Cumulative
25 Effects Analysis of this whole project on

1 groundwater and other media, such as air and
2 soil.

3 And then our tribal consultation document,
4 we are taking comment on that, too, if you have
5 time to read those and have comments about that.
6 The two most important documents, though, to
7 focus on are our draft permits.

8 So I would like to thank Jacque Perli here.
9 She's our court reporter that makes sure we'll
10 get every word that's said, and it will be part
11 of our public record, as Judge Sutin said.

12 I'd also like to thank Chief Miller and
13 Officer McBride for helping us out here. We've
14 asked the police department to have a presence,
15 not because we expect anyone to misbehave but,
16 in a previous hearing, I had a last-minute
17 request from a mayor who said he did not feel
18 that it was safe for his citizens to attend our
19 public hearing without an officer of the law
20 present.

21 So rather than wait until the last minute
22 and try to find someone, we decided to be
23 proactive and invite them here early on, so we
24 appreciate their being here today.

25 I think that covers everything I wish to

1 say, so we'll move on to the first speaker.

2 Thank you very much.

3 REGIONAL JUDICIAL OFFICER SUTIN: So I think
4 my voice carries loud enough I don't need the
5 microphone. When I call your name, if you can
6 please come up to the podium, and we'll get
7 started.

8 Our first speaker is Nancy Kile.

9 NANCY KILE: My name is Nancy Kile. Please
10 accept these as my comments to the formal
11 hearing record.

12 I am a Sioux County, Nebraska resident. Our
13 home is located about the same distance from the
14 headwaters of the White River as we are from the
15 Cameco's Crow Butte Resources in-situ leach
16 uranium mine and milling operation at Crawford,
17 Nebraska.

18 In 2012, I returned to northwest Nebraska
19 where I was born and raised after living in the
20 Black Hills of South Dakota for 26 years. What
21 little I've heard about Crow Butte yellowcake
22 operation was mostly public relations fluff.

23 In 20- in -- in 2004 and 2005, I spent a lot
24 of time in Crawford caring for my terminally ill
25 mother. Mom was a resident of Crawford area

1 since the early 1940s. She was diagnosed with
2 lung cancer in 2004, and died in Crawford nine
3 months later.

4 During that time period, one of the many
5 Crow Butte Resources documented violations was
6 an undetected poisonous spill into an
7 underground source of drinking water that lasted
8 for two and a half years, spanning from July 1,
9 2003 to March 31, 2006.

10 Crawford residents die early in their lives,
11 and many assume the mine is causing cancer.
12 Residents have tested positive for heavy metals
13 contamination associated with ISL operations.
14 Their recovery is dependent on their leaving the
15 area of contamination.

16 Residents fish nearby ponds and the White
17 River at Crawford, but they do not eat their
18 catch. It is rumored that a farmer had to down
19 crops in their field due to contamination from
20 an adjacent ISL license area. My uncle, also a
21 long-time resident of Crawford, has stopped
22 drinking his tap water.

23 Workers say that one of the 8,000 CBR wells
24 has been sealed with railroad ties, and it is
25 rumored that one of the deep disposal wells has

1 failed. Crawford and Dawes County have two of
2 Nebraska's deepest toxic waste disposal wells.

3 Locally, the only critical thought and
4 formal pushback against the uranium mine has
5 been the Oglala Sioux Tribe and consolidated
6 intervenors.

7 Expert witnesses, elected officials,
8 economic elites, and growth groups worry about
9 real estate values and their investments. The
10 uranium mine and the yellowcake mill is left off
11 travel publications and maps. It feels like a
12 cover-up.

13 How do you invite people to visit or live in
14 a radioactive-contaminated area? Informed
15 consent is vital to ethical human population
16 care and development. Is it not human
17 trafficking to invite uninformed people to get
18 sick?

19 Up north near South Dakota borders some
20 people are saying they want the economic
21 advantages uranium mining and milling proponents
22 boast about. The economically advantaged up
23 there must be talking about tax relief and
24 school funding because Crawford is dilapidating.

25 The waterworks infrastructure is giving way,

1 and costly repairs are undertaken to keep the
2 city water system functioning for a high-poverty
3 and declining population due to the health and
4 economic evacuation.

5 It is heartbreaking more for me when I think
6 that shortsighted land managers and property
7 owners tied our schools to an unlicensed nuclear
8 waste dump and a future Superfund site.

9 Regarding the identification of traditional
10 cultural properties at the Dewey-Burdock project
11 site, formal consultation under Section 106 of
12 the National Historic Preservation with First
13 Nations must be completed.

14 My husband and I put our life savings into
15 our sus- -- sustainable build at Glen, Nebraska
16 near the headwaters of the White River.

17 The Nuclear Regulatory Commission's Atomic
18 Safety and Licensing Board hearing made it clear
19 to us what had been allowed on the landscapes of
20 Nebraska's garden beyond the Sandhills.

21 We believe we contribute to the recovery of
22 the Pine Ridge White River Basin, but our
23 community needs help. Decision-makers need to
24 stop the denial and start to take action against
25 an industry that exploited our rural environs.

1 We need a safe and stable water supply.

2 High pressure injection and extraction
3 mining of uranium, oil, and gas is happening in
4 the Nebraska panhandle as we speak.

5 REGIONAL JUDICIAL OFFICER SUTIN: Ms. Kile,
6 your five minutes is up, if you could wrap up.

7 NANCY KILE: We in Sioux County are at the
8 gateway of Wyoming's movement to dump
9 out-of-state waste from these operations into
10 Nebraska soils. Who is accountable when
11 tectonic stability is changed and movement
12 occurs that allows poisoned production water to
13 further contaminate our regional groundwater?

14 No more exemptions. Mni Wiconi. Water is
15 life.

16 MS. SHEA: Thank you, Ms. Kile.

17 REGIONAL JUDICIAL OFFICER SUTIN: Next,
18 Michelle Haukaas.

19 Did I say that right?

20 MICHELLE HAUKAAS: Haukaas.

21 REGIONAL JUDICIAL OFFICER SUTIN: Haukaas.
22 I apologize.

23 MICHELLE HAUKAAS: (Speaking in indigenous
24 language.)

25 My name is Michelle Haukaas. I am Sicangu

1 from the Lakota Oyate of the Oceti Sakowin,
2 indigenous people of Turtle Island. On behalf
3 of my tiyospaye and tiwahe, family and extended
4 family, I am here today to stand in opposition
5 and resistance to the Dewey-Burdock in-situ
6 uranium mining and waste disposal application in
7 the Black Hills.

8 The proposed mine, if developed, will cause
9 irreparable damage to our ancestral homelands
10 and aquifers. It will destroy cultural and
11 historical sites, ancestral graves, and prayer
12 sites.

13 It will contaminate the land, the water,
14 wildlife, and the air. The single most highly
15 cherished concern and interest to my people is
16 the Black Hills. It always has been, and it
17 always will be.

18 The Fort Laramie Treaties of 1851 and 1868
19 were imposed upon the Lakota by the federal
20 government and ultimately breached by Congress
21 in 1877. The result of these broken treaties
22 were generations of resentful Indians with a
23 deep mistrust of the government and its
24 officials.

25 Even now, without the United States's

1 commitment to the U.N.'s Declaration on the
2 Rights of Indigenous Peoples, I wonder how
3 meaningful these consultations really are.

4 In 1980, the Supreme Court ruled that the
5 United States federal government did
6 misappropriate the Black Hills and awarded the
7 Lakota \$105 million in monetary damages. Today,
8 that figure is over \$1 billion and is currently
9 sitting in the Federal Treasury.

10 Under the Fort Laramie Treaty of 1851, we
11 gather today on unceded Indian territory in what
12 is now known as Valentine, Nebraska. Through
13 genocide, ecocide, historical and
14 intergenerational trauma, and in the wake of
15 being one of the most poverty-stricken areas in
16 the world, we prefer to retain and protect our
17 sacred Black Hills.

18 Until Congress can come out from behind the
19 bigoted mask of Manifest Destiny and we can come
20 to a clear and encompassing agreement on the
21 return of our ancestral lands, I ask that the
22 EPA reject the Dewey-Burdock application and all
23 future applications to mine uranium in the Black
24 Hills and to preserve its cultural, historical,
25 social, and spiritual significance and value to

1 the Oceti Sakowin.

2 I pray to the Creator that these lands
3 remain sacred and in balance, and I include you
4 all in my prayers.

5 (Speaking in indigenous language.)

6 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

7 Next -- I hope I'm saying this right; it's
8 hard to read -- Daniel Bear Shield.

9 Is that correct?

10 DANIEL BEAR SHIELD: Yes.

11 Hello. My name is Daniel Bear Shield. I am
12 a member of the Oceti Sakowin. I belong to the
13 Santee Sioux Tribe of Nebraska. I didn't have a
14 chance to really look at some of this stuff
15 that's being proposed, so.

16 But irregardless to that, I just want to say
17 that on behalf of the Santee Sioux Nation, I
18 have a resolution that was passed by our tribe
19 in opposition of these permits. So I would like
20 to share that with you guys. I'd like to give
21 that to you.

22 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

23 DANIEL BEAR SHIELD: And in regards to these
24 permits and these applications, you know, we
25 would request that a denial be made not only

1 because of -- of the threats of contamination to
2 the aquifers, so I really strongly believe that,
3 you know, our -- our precious water, you know,
4 is not really being looked at here.

5 To me, it's more valuable than this uranium
6 that you guys are proposing to extract. So
7 today, on behalf of my tribe, Oceti Sakowin, we
8 ask that these permits be denied.

9 Thank you.

10 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
11 very much.

12 Next, if we can have Waniya Locke.

13 WANIYA LOCKE: (Speaking in indigenous
14 language.)

15 I am from Standing Rock, and we are
16 protecting the Missouri River. I'm a part of
17 the Oceti Sakowin of the Hunkpapa Mdeakantonwon
18 bands. And I'm standing here because there's
19 only 2.5 drinkable water in the world, and 1.7
20 is groundwater. We have 7.5 billion people in
21 the world.

22 So even though I'm a part of the Oceti
23 Sakowin, I'm also a human being, and I know how
24 much water is going to be used and how
25 contaminated it will be and what the effects are

1 going to happen medically, physically,
2 spiritually to the people in the surrounding
3 areas.

4 You know, the He Sapa are sacred to us. We
5 go there annually to pray. It has significant
6 cultural to us. One of the things that I
7 really, really, really ask as a Standing Rock
8 Sioux tribal member, to have a meaningful
9 consultation, truly have meaningful
10 consultation, to not just sit there and to
11 listen and do away with our -- do away with our
12 testimonies.

13 Think about the future. Think about what
14 uranium is going to do to our water. And
15 remember that you are making a decision for many
16 generations to come.

17 Only 2.5 for the whole world; 1.7
18 groundwater is drinkable. Think about how much
19 has already been contaminated from corporations
20 that are protected by EPA law, that are
21 protected by NPRA.

22 And we, as the people, are standing here and
23 pleading and begging you, please reject it and
24 deny.

25 (Speaking in indigenous language.)

1 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

2 Next, if we can have Darla Black.

3 DARLA BLACK: (Speaking in indigenous
4 language.)

5 First of all, I want to greet you. I'm from
6 the Oglala Sioux Tribe. I am the vice president
7 of the Oglala Sioux Tribe. I'm an elected
8 official.

9 However, I also want to point out that as a
10 member of the Oglala Sioux Tribe, in our
11 traditional ways and our traditional beliefs, we
12 also believe that water is sacred to us.

13 As a woman, 90 percent of your body is
14 water. When you carry a child, that child lives
15 in water before they are born. There is major
16 spiritual significance we are talking about
17 here. Historical. It's our way of life and our
18 belief system. These sacred Black Hills that
19 belong to us were given to us by treaty.

20 The organizations involved here did not come
21 to the Oglala Sioux Tribe on a
22 government-to-government relationship to meet
23 with us, to explain to us, and to allow us to do
24 what we are doing here today, to tell you how
25 important the Black Hills is to us.

1 We have spiritual significance. And
2 historically, my tribe has also given testimony
3 from different administrations. They have also
4 provided resolutions that are not accepting this
5 permit that they are requiring.

6 The former tribal president, Bryan Brewer
7 issued one. My tribe issued one. And I am sure
8 the president of the Oglala Sioux Tribe will be
9 forthcoming with that document.

10 Our reasons are, there's an immediate threat
11 of contamination which will create irreparable
12 harm. My people still hunt. My people still
13 fish.

14 And just like the lady that spoke about her
15 mother, my mother moved home, and I told her,
16 "Be careful with the water because we don't know
17 what's in it." We don't know if it's
18 contaminated because of the drill holes that
19 were not covered. My mother also has cancer
20 now. I don't drink the water, and I am well and
21 healthy.

22 By allowing this permit, you're going to
23 desecrate what was there before. We have burial
24 grounds. We have ceremonial sites. We have
25 campsites. And our people still trek to the

1 Black Hills to pray, even today.

2 There we follow the constellations. We
3 follow the moon, the sun, when they are shining
4 on our sacred ceremonial sites. We go to the
5 Black Hills to pray. These are all ancestral
6 ways that have been here long before.

7 So to issue that permit would be detrimental
8 to the Oglala Sioux tribal people because that
9 water flows toward Pine Ridge. So I ask you
10 today to reject that permit and require them to
11 come and consult with the Oceti Sakowin. Not
12 just the Oglala Sioux Tribe, but the Oceti
13 Sakowin as a whole.

14 And I thank you today for allowing us to
15 come here to voice our opinions.

16 (Speaking in indigenous language.)

17 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
18 Scott Kile.

19 SCOTT KILE: My name is Scott Kile. I live
20 west of Crawford, Nebraska, along the White
21 River, about 10 miles from an in-situ leach
22 mine. And we're going to hear a lot of things
23 about in-situ leach mines and exempting
24 aquifers. They are not a contained system.
25 They will leak. It's a fact. They will leak,

1 and people downstream are going to feel the
2 hazards of this.

3 I'm here to oppose this. It's wrong. It's
4 criminal to exempt any aquifer. It's -- I just
5 don't have enough words to say how criminal this
6 is. The EPA should not be exempting any
7 aquifer. Water is life. And if we ruin it, we
8 waste it, we're going to die.

9 And the EPA, being a cheerleader for things
10 like this, making it look nice and pretty is
11 wrong. You're supposed to be there for the
12 people, and I expect you all to be here and make
13 decisions for us, the people that live
14 downstream and around these areas.

15 This -- I oppose this, and I hope you'll do
16 the right thing.

17 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

18 Philimon D. Two Eagle.

19 Did I say that right? Good.

20 PHILIMON TWO EAGLE: (Speaking in indigenous
21 language.)

22 My name is Phil Two Eagle. I'm here on
23 behalf of my tiyospaye, my future generations,
24 the unborn. Also I represent the Sicangu Lakota
25 Treaty Council. We are chartered by the Rosebud

1 Sioux Tribe since 1992 to address treaty-related
2 issues.

3 Also, I want to start with the Treaty of
4 1851 that was signed, the first treaty that was
5 signed. There's a lot of other treaties, but I
6 want to refer to the Treaty of 1851 and tie it
7 to the U.S. Constitution Article VI that states
8 that: The Constitution, and the Laws of the
9 United States which shall be made in Pursuance
10 thereof; and all Treaties made, or which shall
11 be made, under the Authority of the United
12 States, shall be the Supreme Law of the Land;
13 and the Judges in every State shall be bound
14 thereby, any -- any Thing in the Constitution or
15 Laws of any state to the contrary
16 notwithstanding."

17 Therefore, you always hear the term "water
18 is life" on the -- and in a deeper meaning, I
19 say water is alive. Water is alive. Mni kiniya
20 lo. And that's why I'm standing here before you
21 with my relatives of the Oceti Sakowin to ask
22 the EPA to oppose this and anything that has to
23 do with uranium mining or injection wells or
24 anything that will be -- affect our environment.
25 We call it would Unci Maka, Mother Earth.

1 We need -- we work -- as a Lakota people, in
2 spirituality, we are connected to the land, that
3 everything is alive -- the rocks, the trees, the
4 vegetation, the animals. Everything is
5 effective.

6 When you hear the term "mitakuye oyasin," it
7 means "all my relations." It means all the
8 elements in the universe. And I ask them to
9 come pay attention, to call for their attention
10 to this center.

11 There's something we call a hocoka. It is
12 where we center, where the voice -- where we
13 call our voice from. And the Black Hills is our
14 hocoka. It is the center of the universe.

15 And we stand on the treaty, and we ask
16 that -- not just oppose it, but also the U.S.
17 needs to go back and tell President Trump to
18 stay away from things that will hurt the Mother
19 Earth. We're heading into fossil fuels. We
20 have pipelines coming -- going through the U.S.,
21 and nuclear energy.

22 These are all negative. They have -- they
23 can destroy our earth. And I ask you to tell
24 the President to look at renewable energy and go
25 away from these things that are destroying

1 our -- our environment. We need to stop the
2 U.S. from going in that direction.

3 That's part of -- anytime we sit down and
4 talk to each other, we have to offer solutions.
5 And that's what the EPA -- I don't know what
6 impact or power you have. The President is
7 going to overpower those like he did in the --
8 like Trump did in the Dakota Access Pipeline.
9 Even though the Keystone XL -- all of these are
10 all interconnected. That's why I'm mentioning
11 them.

12 That he's overturning things that are set
13 for the EPA. And I also understand that he is
14 trying to abolish the EPA. So I hope -- I hope
15 that doesn't happen.

16 As the EPA, it says environmental
17 protection, so I ask you to protect the
18 environment and do your job and make that
19 connection with Mother Earth.

20 (Speaking in indigenous language.)

21 Thank you.

22 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

23 Next, Paula Antoine.

24 Did I say that right?

25 PAULA ANTOINE: Good afternoon. Thank you.

1 (Speaking in indigenous language.)

2 Good afternoon. My name is Paula Antoine,
3 and I'm a member of the Sicangu Lakota, which is
4 part of the Oceti Sakowin. I am also a
5 grandmother, a mother, and a relative to many.
6 I'm a resident of South Dakota, and I'm also
7 very proud to be part of a growing movement of
8 environmentalists who -- who stress the
9 importance of clean water.

10 And I'd just like to remind the EPA of one
11 of the most important portions of your mission
12 statement, which states: All Americans -- that
13 the EPA is to protect all Americans "from
14 significant risks to human health and the
15 environment where they live, learn, and work."

16 And the Lakota Nation -- the importance of
17 the Black Hills to the Lakota Nation, that is
18 our birthplace, that is our creation story, that
19 is where we come from.

20 And destroying and -- not only the water
21 that's in that area, but also the culturally and
22 spiritually significant areas that are in that
23 area. So I am asking that you provide us with
24 meaningful consultations with the local tribes,
25 including not only the Lakota Tribes, but in the

1 surrounding states, Wyoming as well.

2 And I'd also like to ask that there be a
3 full cultural and historical survey of the area
4 to determine any culturally significant or
5 spiritually significant sites to our tribe and
6 other local tribes.

7 And I would also like that that tribal
8 consultation be defined by the local tribal --
9 tribal people, not defined by the laws and
10 regulations that are set out for a tribal
11 consultation.

12 And I'd also like to ask that the EPA comply
13 with the Section 106 of the National Historic
14 Preservation law, which is the NHPA law, which
15 also defines and clearly states that there must
16 be formal consultation with local tribes.

17 And another important thing that I would
18 like to bring up is that there are a lot of
19 mines that are un- -- that are -- that are not
20 reclaimed in the Black Hills.

21 I would also like to request that the old
22 mines in the Dewey-Burdock area which should be
23 fully reclaimed before any new permitting -- new
24 mining permit -- mining permit is permitted.

25 I would also like to ask that there be

1 adequate and documented procedures on that
2 reclamation within the permit.

3 Also -- also, with the quality of the -- the
4 waste that the water -- where the water is going
5 to be distributed, it's how the monitoring
6 system is going to be determined with that.

7 That depth, I would like to have a full,
8 detailed report listed on that. Because, as we
9 know, every pipe, every system that has to do
10 with any kind of permitting like this eventually
11 does break or leak.

12 And the monitoring system must be, you
13 know -- I would like to know how you're going to
14 monitor up to 3,000 feet below the surface of
15 the earth and have that be adequate.

16 Also, I would also like to ask that you
17 consider, as some of our other people that came
18 up, is to honor our treaty as it is a ratified
19 act of Congress and it's a supreme law of the
20 land, and that there are other laws that are --
21 that are within the departments of the United
22 States that support EPA and the other laws --
23 environmental laws in different departments,
24 that they be considered when you're doing this.

25 And to please recognize our right as a

1 sovereign nation and to conduct those meaningful
2 consultations.

3 But most importantly, I just would also like
4 to add that the future generations are depending
5 on what we say today and what we do today and
6 how we protect the water and how we come
7 together to protect that water.

8 And water is life. And the point of all of
9 us coming together throughout the past few years
10 to protect the Black Hills and the area that
11 is -- that is affecting the Dewey-Burdock case,
12 we just want to have clean water for our people
13 and to have healthy people.

14 Thank you.

15 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

16 Chris Ward.

17 CHARLES WARD: Charlie Ward.

18 REGIONAL JUDICIAL OFFICER SUTIN: Charlie.

19 I am so sorry. Charlie Ward.

20 CHARLES WARD: That's all right. Call me
21 Izzy for short if you want.

22 I just have a couple of comments to make.
23 One is, I don't think the EPA goes out and does
24 these things without somebody pushing. Somebody
25 has had to put in a permit. Who is this

1 Powertech? Who are they really? I mean, where
2 are they coming from? Who are they? And what
3 are they really?

4 And then there's procedures that are
5 followed. Who makes the procedures? EPA
6 probably makes your own procedures, so your
7 procedures are something you guys make and
8 follow.

9 The other comment I'd like to make is, what
10 is the half-life on that waste that's coming out
11 of there? It's not the -- the half-life makes
12 all the difference in the world of what goes in
13 that ground.

14 And if it's radioactive, whatever that
15 half-life is kind of gives you an idea of how
16 long it'll be there.

17 And these people, I feel, are doing a job
18 that they are asked -- somebody came to them,
19 just like you or I came to them, and we asked
20 them to do something.

21 I think we need to be looking at this
22 Powertech, find out who these people are, and
23 that's where you vent your things, not on these
24 people, because they're just doing the job like
25 we do a job also.

1 So that's my comments. Thank you.

2 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

3 So those are all the comments we have so
4 far. If you -- if there are others who would
5 like to speak, you can sign up. We're happy to
6 hear your comments. It is ten of 6:00. So we
7 will -- we'll wait until 6:00, then we'll take a
8 break, and then we'll be back here again at 6:30
9 if you would like to speak then.

10 So we'll go off the record at this point.
11 Thank you.

12 (Pause in the proceeding from
13 5:49 p.m. to 5:51 p.m.)

14 REGIONAL JUDICIAL OFFICER SUTIN: So we have
15 two more people who would like to speak. We're
16 going to go back on the record and let these
17 folks speak before we take a break.

18 First, Lynne Colombe.

19 LYNNE COLOMBE: Good evening. My name is
20 Lynne Colombe, and I was born and raised on the
21 Rosebud Sioux Indian Reservation, just about 40
22 miles from here, I suppose.

23 I just wanted to speak a little bit on
24 behalf of my own children, especially Johnny and
25 Jocelyn Jones, who are now nine and ten years

1 old.

2 And they were with me throughout the
3 movement up at Standing Rock. They spent a lot
4 of time just kind of seeing what was going on.
5 And they were there with me a couple of days
6 before the Oceti Sakowin Camp was closed.

7 And one thing that my nine-year-old asked
8 was, "So, Mom, if they are going to put that
9 pipe in that water, does that mean that they
10 don't care about the children? Does that mean
11 that they don't care about our future?" And I
12 couldn't answer them that day. It was too
13 intense, everything else that was going on
14 around us.

15 And, you know, then on the way over here
16 today, my ten-year-old, who has autism -- she's
17 very high-functioning, and she really tends to
18 see the world in black-and-white. We were on
19 our way over here, and she said, "Mom, why
20 doesn't God help us?"

21 And I said, "What do you mean?"

22 And she said, "Why doesn't God help us to
23 save the water? Why does he let these people
24 come and just ruin our water?"

25 So I had to tell her, well, we're all here

1 with free will, you know, and we -- even though
2 it's our job to be good stewards of the earth,
3 and it's our job to protect the land and the
4 water, and I explained to her about how
5 everything in nature was a gift to us from God.
6 And that we were the people, all of us here,
7 that are charged with the stewardness of the
8 land and the air and the water.

9 And so, you know, I -- I can say a million
10 things about water and treaties and, you know,
11 everything. But I think all we really need to
12 remember is that we have a lot of children that
13 are depending on these aquifer waters and on us
14 to make the proper decisions so that they have
15 something to drink. It's very simple.

16 And finally, you know, one of the things
17 that really struck me throughout the whole
18 Standing Rock thing was when they were all
19 snowed in and things were really tough, I
20 thought, Man, these -- these folks really lack
21 infrastructure. You know?

22 And I started thinking about it, and I saw
23 this great, big, you know, 30-foot pile of snow
24 out in their casino parking lot. And I felt
25 bad, and I said, "You know what? These guys

1 don't even have the infrastructure to move that
2 pile of snow. How are they going to clean up a
3 river?"

4 And I think we need to remember that, you
5 know. What color we are at this moment doesn't
6 matter. We're all living in a rural community.
7 And in these rural communities, we don't have
8 that kind of infrastructure. We don't have the
9 machinery.

10 And if there's one thing that we know is
11 that anytime there's an environmental disaster,
12 it's the community that resides there that is
13 charged to clean it up, and we simply do not
14 have those resources.

15 The same thing when our waters are
16 contaminated and people's rates of cancer begin
17 to rise in these communities, we don't have a
18 cancer care clinic here. We have to travel
19 many, many hours to treat our families in cancer
20 clinics. That goes for everybody here in
21 Valentine, too. They have to go all the way to
22 Omaha.

23 So it's a lot deeper when we look at this
24 issue of contamination, because the residual
25 effects on those communities are very simple.

1 We are not equipped to clean anything up, and we
2 don't have the resources to treat our people
3 when they get sick.

4 Thank you.

5 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
6 Sam High Crane.

7 SAM HIGH CRANE: Good evening to you,
8 ladies, and good evening to you all. My name is
9 Sam High Crane. I come from the Rosebud Lakota
10 Reservation, same place where Lynne and some of
11 the others that are here.

12 And I think -- I have nothing written to
13 present to you, but from the top of my head, I
14 guess, I'll try to go.

15 Way back when I was a young -- young boy,
16 little boy, I had a great-grandmother who was
17 the daughter of the well-known Chief Hollow Horn
18 Bear. And she used to tell us stories, talk
19 about the past a lot, and she also talked about
20 the future.

21 She said the world that we live in today is
22 the second world that we are living in. The
23 first one was demolished, and we surfaced to the
24 earth from the Black Hills. And she said how
25 the people got greedy, how they became liars and

1 cheaters and Iktomi. Iktomi is a story that has
2 many tales about wisdom, cheating, lying,
3 stealing, all these things.

4 And she said in the future, there's going to
5 be a third world coming, and when that third
6 world comes, it's going to be a major
7 catastrophe. She said the weather is going to
8 change, and the world is going to tip over to
9 one side. And I thought all this time these
10 were only stories, until one day I was in
11 California.

12 I just pulled into California, Sacramento,
13 and they had that earthquake in the ocean in
14 Japan. And that tsunami was coming towards the
15 West Coast, and everyone was all excited. They
16 didn't know where to go. They didn't know where
17 to go hide.

18 And eventually, about three or four days I
19 believe it was, later, it hit Portland, Oregon.
20 And the rain came, and it washed away all kinds
21 of mountainsides. And look what the weather is
22 like today.

23 When I was a little kid, again, we were able
24 to drink from the river back in Spring Creek,
25 from the springs. They call it Spring Creek

1 because almost every little valley, there's a
2 spring that comes out from somewhere, and it
3 becomes into Little White River.

4 But anymore, we can't drink that water. We
5 have to rely on well water, and even that is
6 questionable. Because within the last 20 years,
7 I believe, the cancer rate right there in
8 Rosebud and surrounding has gone quite high.

9 And it just -- I was sitting there thinking
10 of how -- what do we have to do to get our
11 message across that some of us -- we say money
12 gives life. In Lakota we say Unci Maka gives us
13 life -- the water, the plants, the animals.

14 And so who do we talk to about our
15 resistance? Because people that don't even live
16 here, they come and they put uranium mines right
17 in our backyard, as this one lady spoke about.
18 Or they put oil lines, and we resist it and
19 resist it, and they just said, "Well, put it
20 in."

21 That tells me we have -- our lives are
22 ending. So I guess my stop sign popped up,
23 so -- so anyway, thank you all for listening,
24 and I'm sorry that we only have five minutes. I
25 could have gone another hour.

1 Thank you.

2 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
3 Mr. High Crane.

4 We will take a break for half an hour, and
5 if we don't have additional speakers, if those
6 that spoke before would like to come up and
7 speak again, we can. Thank you.

8 (A recess was taken from 6:00 p.m.
9 to 6:46 p.m.)

10 REGIONAL JUDICIAL OFFICER SUTIN: Okay. I
11 think we're going to get started. We have some
12 more people who would like to speak.

13 Again, at any time if you decide you would
14 like to speak, please just go back to the
15 registration table and fill out a card, and
16 we're happy to have you come up and -- and give
17 us your comments.

18 Just as a reminder, we are giving people
19 five minutes to speak, and after one minute, we
20 will hold up a triangle so you know that you
21 need to start wrapping up your testimony. And
22 then at five minutes, we'll hold up the red stop
23 sign, and we'll ask you to please finish your
24 testimony.

25 So with that, if I could have Andrew

1 Blanchflower.

2 ANDREW BLANCHFLOWER: Thanks for holding
3 this space.

4 I'm not sure if it makes much difference,
5 this whole process, but mostly I just wanted to
6 register my opposition to this proposal that
7 this corporation is wanting to do because, even
8 if it is completely safe, it's uranium. It's
9 not -- it's not safe. It makes bombs or it
10 makes nuclear power, and we still don't know how
11 to deal with nuclear waste.

12 So as a body of Environmental Protection, I
13 think you're beholden to not allow things like
14 this to happen. But then I don't know how much
15 power the EPA has these days since the new
16 government. So I'm kind of wondering why we're
17 all doing this and not just doing something else
18 more, like, direct or something.

19 But, yeah, mostly I just wanted to register
20 that it's -- I -- it's -- it doesn't make any
21 sense to me. I don't know if -- I'm currently a
22 resident in South Dakota with the Sicangu. I
23 have relatives there.

24 And, yeah, so on many levels, not just a
25 physical level and a cultural level, it, I

1 think, is completely inappropriate, and I hope
2 that you will stop it.

3 Thanks.

4 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

5 ANDREW BLANCHFLOWER: You want to say
6 something? Okay.

7 REGIONAL JUDICIAL OFFICER SUTIN: So I think
8 we have some more youngsters who would like to
9 speak.

10 If I can have Samuel Stands.

11 SAMUEL STANDS: Hi. My name is Samuel
12 Stands. Mni Wiconi. No uranium. Mni Wiconi.
13 Black Hills.

14 TONIA STANDS: What does it mean?

15 SAMUEL STANDS: Water is life.

16 REGIONAL JUDICIAL OFFICER SUTIN: Would you
17 like to say anything else, Samuel, or are you
18 done?

19 SAMUEL STANDS: Yeah, I'm done.

20 REGIONAL JUDICIAL OFFICER SUTIN: Okay.

21 Next if I can have Alan Stands. Alan
22 Stands, would you like to speak?

23 Oh, he's outside.

24 Tonia Stands?

25 TONIA STANDS: I am Tonia Stands, and I'm

1 from Oglala, South Dakota, and I come from a
2 little town where the White River breaks into
3 White Clay Creek. And along that White River,
4 we deal with uranium contamination. And they --
5 I come from people that don't know that this is
6 happening to them.

7 And there's spills and leaks. And, you know
8 what? There's swimming holes out there where
9 people still swim when it's really hot, you
10 know. And they -- and they live out there. And
11 they still fish in those waters, and they eat
12 those fish. And they even tell us, like the
13 deer and the fish, they're all sick. They have
14 bubbles and lesions on them.

15 And I have family with uncles -- I think
16 you're supposed to report this, and they don't
17 even know how to report this stuff or how to
18 deal with it. But those -- the horses drop
19 dead. My uncle had, like, 15 head one time, 25
20 head one time, and they don't know what to
21 think. Like, what's this coming from?

22 And when you look on when these leaks and
23 spills happen, they are around those times, and
24 nobody tells the Oglala Sioux Tribe or the
25 people that live along that area.

1 And the reason I tell you this is, this Crow
2 Butte uranium mine is ten years on a temporary
3 permit. And I know all of you know that. And
4 where in the world does anybody get to
5 contaminate water like that?

6 And you know what, those aquifers, there's
7 leaks under there. So we're getting it right
8 from White River and underneath in the aquifers.

9 Can you time me out? I'm going to give my
10 baby to my spouse over there, staring at me.

11 (Pause.)

12 And I wish I could hang this sign up, but --
13 our banner we made. And this says, "Keep
14 uranium out of the sacred He Sapa aquifers."
15 And we really mean that, especially the Oglalas
16 from the Pine Ridge Indian Reservation and as
17 the Rosebud people, because they get White
18 River -- there's a town here that's called White
19 River. And nobody knows that.

20 So when you're -- and those mines, those old
21 mines that this proposed mine is going to go on,
22 it's going to increase the contamination,
23 because they have these spray mists, that you
24 know about, and these evaporation ponds.

25 And when you look at Crow Butte's list of

1 excursions and they -- there's a probably, like,
2 a 20-year history of five-year well -- well --
3 you know, where they're not up to their
4 five-year code. And they keep doing that, but
5 they're still on this temporary license. That's
6 crazy.

7 You know, so when you look at it, nobody
8 cares. No one says nothing. It's like the
9 silent genocide that's happening to us. We
10 can't stop it. EPA, you're not going to come in
11 and clean our water. You know this is
12 happening, and you want to go and talk for
13 Dewey-Burdock and tell us about this in-situ
14 mining.

15 And, what, you want to worry about jobs and
16 all this, and it's just going to keep
17 contaminating us?

18 This is our evidence, Pine Ridge
19 Reservation. Our tribe keeps water tests, and
20 they know it's coming. And Cheyenne River, my
21 dad lives in Red Shirt. One of the first
22 communities that -- and you know what, we all go
23 swimming in Angostura. And just like Whitney
24 dam, Angostura dam is full of uranium, and no
25 one talks about it.

1 And they want to keep bringing aquifer
2 mining into our area? Those are like five --
3 five pristine aquifers. And you know what,
4 three of them are in Lakota.

5 And you remember this, you know, Christians,
6 they have Jerusalem, their mecca. You know, the
7 Black Hills is our mecca. That is the center of
8 the universe. That's where everything started.

9 We know that because our -- our history --
10 we were, we raised that. We grow our kids like
11 that. We don't forget that ever. And that's
12 been our philosophy. Don't you ever forget
13 that. You come out of Wind Cave.

14 So you know what, if we could ever get down
15 there and look at it, which we can't, given
16 though that's our home -- can you imagine that,
17 never, ever going back in your home? Yeah.

18 And you want to go in there and -- it's just
19 really overwhelming. You know, because we swim,
20 we fish, we just -- we're not in -- and that's
21 our home. That's where we come out of. Go to
22 Wind Cave, and they'll tell you that, too.

23 And those aquifers down there, there's caves
24 where we lived. And that -- those petroglyphs,
25 those are all ours, and you take that away from

1 us. And you know what, on top of that, we still
2 eat our plants and our vegetables and our -- our
3 medicines that grow down there. That's how we
4 grew up.

5 And so you're taking that away. You're
6 ruining that whole ecosystem. And those
7 outcrops from the Black Hills go all the way out
8 to Spirit Lake, and that's another part of our
9 nation. Those outcrops go that far.

10 So I don't even know why you would even come
11 around. That's crazy. Well, look at what you
12 did to Crow Butte, though. Crow Butte is crazy,
13 right? Went to a Nebraska preservation officer
14 for our cultural relevance on a temporary permit
15 for ten years. Are you crazy?

16 And then, what, you want to bring that into
17 the Black Hills? Pristine waters. And they do
18 dye tests, and they leak out into our creeks and
19 our rivers.

20 It's a natural way of life, and there's no
21 way this -- those evaporation ponds, spray
22 mists, and those reinjections into the aquifers
23 is going to keep it safe.

24 You can't play God with science. So just
25 remember that. You come from a long -- you're

1 destroying a long, long line of people. You're
2 not just -- you're not just going to go in there
3 and take yellowcake.

4 And the value of yellowcake is less than any
5 of our plants and food we eat. I could go get
6 chokecherries and buffaloberries, rare berries
7 out of there. And the value of them is greater
8 than your yellowcake cake.

9 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

10 So I know Alan Stands was out of the room.
11 Would Alan like to speak now? How about we'll
12 come back to Alan.

13 Okay. Kathy Chauncey.

14 KATHY CHAUNCEY: My name is Kathy Chauncey.
15 I live up at Mission on the Rosebud Reservation,
16 and my sister lives out to Edgemont at the other
17 end of the area that this lady that was just
18 speaking was talking about.

19 She has a ranch, and she has -- you know,
20 she's been, you know, trying to get the cleanup
21 going around her area where her land is. She
22 has now grandchildren there. It's a
23 third-generation property. I know Pine Ridge
24 has a lot of reservations.

25 You see the problems with Brazil, their meat

1 was bad. And now you're also destroying the
2 livelihood from Pine Ridge, Rosebud, and the
3 people that live out where you're going to have
4 this mining.

5 And it's not really mining because we're, as
6 we -- as I understand it, it's going to go to
7 the foreign countries that are making weapons to
8 use against us.

9 So we need to protect our country. We need
10 to protect our land, our water, and our people,
11 and the chokecherries, and the buffaloberries
12 and, most of all, the water that we all have to
13 live with.

14 You know, the deer -- we shouldn't -- you
15 know, people make a lot of money in South Dakota
16 off deer hunting, both the tribes and the state.
17 But if that meat is bad, you know, they give it
18 to the food pantries, and the food pantries,
19 those people can't eat that.

20 So it's taking food away from the many, many
21 food pantries from feeding South Dakota because
22 that meat will no longer be edible for these
23 people.

24 So you, you're destroying the poorest of the
25 poor people, the people that are on the land,

1 living there, and trying to maintain clean
2 water. It -- you know, they want it for their
3 animals, for their people, and we want it -- we
4 do not want a uranium mine that's going to be
5 sold to foreign countries.

6 So I would request that this be denied. My
7 mother is 90 years old. She spent the last
8 three days calling everyone, sending things to
9 the radio, sending, you know, e-mails to every
10 coun- -- she had a girl that sent e-mails to
11 every councilman on Rosebud. And they are all,
12 from what she heard back, were against this.

13 So you think of a lady that's lived 90
14 years, and she's fighting against it. And those
15 are her great-grandchildren that want to carry
16 on and live out there.

17 And that little young man that came up here,
18 I work with those children, and I don't want to
19 see them suffer. I do testing for psychological
20 needs. And I can guarantee you that I see more
21 and more children coming forward that are really
22 being -- I don't -- I can't prove that it's what
23 it's coming from, but I see that they're no
24 longer able to maintain their skills in school.

25 And so if we continue to pollute and cause

1 problems for these children, we're ruining
2 generations and generations of children.

3 And so I would -- I do implore that you stop
4 this and keep this money for things that are
5 needed in our area, not for a few individuals
6 that come in for the short-term.

7 Thank you.

8 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

9 Robert Wide Mountain.

10 ROBERT WIDE MOUNTAIN: Good evening. I
11 didn't know that I'd be talking this soon. I
12 thought I signed up last. I know I've only got
13 five minutes, so I'll try to keep it brief and
14 to the point.

15 I'm glad that you -- whoever is doing this
16 is holding this public forum so people can voice
17 their opinions. Whether they are heard or not
18 remains to be seen.

19 But I would like to voice mine. I feel
20 that, you know, we -- my people have been
21 stigmatized with a label, and they labeled us,
22 you know, dumb, stupid, incompetent, and just
23 drunk Indians. Said we are so dumb that we
24 can't take care of ourselves. But you know,
25 that's not true.

1 I know that no matter -- no matter which way
2 you look at me, you know, it doesn't take a
3 scientist or anybody with any kind of amount of
4 common sense to understand that if you look
5 around, you'll see that we only have so many
6 amounts of freshwater supplies here in the
7 world.

8 And it just seems so foolish to me -- even
9 though I'm supposed to be dumb and stupid, it
10 just seems so foolish to me that we would poison
11 what little of the freshwater supplies that we
12 do have.

13 And do we have -- we have a growing amount
14 of people coming into this world, like right
15 there. And it doesn't make sense to me, you
16 know, that we would poison this water that we
17 need to survive.

18 You know, we can survive without food,
19 survive without almost anything, but we can't
20 survive without water. Our bodies just need it.
21 We are made up -- everybody knows we are made up
22 with whatever percentage of water, and we need
23 it.

24 And just, I -- I tried to understand, you
25 know, both sides of this coin that we call

1 energy. And on one side, you have -- you know,
2 you want to -- you want to make sure that
3 there's national security for America, so we
4 have enough energy so everybody could live the
5 lifestyle that they have.

6 And I also found out that, you know, America
7 only comprises of between 4 to 8 percent of the
8 world population, but we use 96 percent of all
9 the natural resources to live our lifestyle, and
10 that's very disturbing to me.

11 Because if we keep at this rate, we are
12 going to run out of not only, you know, water,
13 but all kinds of other resources that we need to
14 survive. So we really have to take a look at
15 that.

16 I look at the test sites, you know, that
17 leak. Just -- they are big, big holes. And I
18 don't know, our people were taught that we don't
19 go underneath the -- underneath the earth for
20 anything.

21 To me, I think -- I look at the Bible, and
22 you talk about the forbidden fruit. To me, I
23 think what they are talking about is that we
24 don't go and do -- touch things that we're not
25 supposed to touch, which in that case was an

1 apple.

2 But I think it's more of we're not supposed
3 to touch things that were created by God. That
4 means that everything was given to us above
5 land. We don't need to go underground because
6 that's supposed to stay there. That is made in
7 a certain way so that it could create life and
8 sustain life.

9 But if we disturb that, and we create these
10 holes that create poisons, like going into the
11 aquifers, poisons our water systems, you know,
12 we all lose.

13 It's not a matter of whose land or what
14 land. It doesn't matter, you know. We just all
15 lose. You know, I -- my sister showed me -- she
16 has documentations of Pine Ridge already. The
17 levels of uranium in their waters that they've
18 been drinking for years is unbelievable. But
19 it's supposedly safe.

20 Then I saw a commercial the other night on
21 TV, and these guys were asking people to drink
22 this good, clear water, but it had a small level
23 of lead in it. You probably don't see that
24 commercial.

25 And it looked pretty good, clean water, but

1 they said it has, you know, a safe amount of
2 level of lead in this water. And everybody
3 stepped back, you know. All the people in that
4 commercial, they stepped back.

5 It was like the water would contaminate them
6 if they even got close, much less drink it. But
7 yet the people, my relatives at Pine Ridge have
8 been drinking this water even worse than that in
9 this commercial for years.

10 And then to poison it even more? You know,
11 especially when we have so many alternative
12 energies at our disposal. Like the Creator gave
13 us everything above ground to survive, and we
14 still have enough above ground to survive.

15 Oil companies, they just need to capitalize.
16 If they want the money, make the wind
17 generators, make the solar. We have so many
18 alternative energies out there, that we don't
19 need to destroy ourselves and our water supply
20 by getting uranium, oil, all the other fossil
21 fuels. We don't need to destroy ourselves. We
22 don't need to destroy life. Just so a few
23 people can have a bunch of money that they can't
24 spend?

25 You know, we're going to destroy life

1 because of this? When we have all this other --
2 we have hemp oil. We have a guy in Germany
3 that's changing all them cars today that we
4 drive in to drive on hydrogen, you know. So the
5 cars we drive now can be pretty clean, you know.

6 So many things, you know. There's so many
7 things that we could do as a people, you know.
8 Because like I said, America uses 96 percent of
9 all the natural resources to live the lifestyle
10 that we have.

11 We have to take a look at that, I think, a
12 very serious look, you know. Because if we run
13 out of this water, that's it for all life. I
14 don't mean human life, but animals, plants.

15 I work with kids back home. We have a high
16 suicide rate. We have gardens and orchards and
17 brought back life to these kids, you know. We
18 finally got some water that's coming from the
19 Missouri River. We finally -- after our elders,
20 you know, our people have fought for water
21 for -- since the '50s.

22 They said, when they built the Oahe Dam,
23 it's going to be free electricity, free water.
24 Never happened. Finally, all of a sudden, we
25 get good water, gotta get pumped in.

1 Now we got the pipelines that are going to
2 poison the water. We got uranium going to
3 poison the water. We finally got some sort of
4 quality of life to our people after we survived
5 genocide and all the things that have happened
6 to our people. I don't need to go into that
7 one.

8 But it's like we survived all these things,
9 and now we finally get some kind of quality of
10 life, going to be taken away again. We have to
11 think about this, I think. It's very important,
12 very important. We don't need to destroy life.

13 There's enough energies out here to provide
14 life for everybody for thousands of years,
15 for -- you know, if we take care of our land
16 that we destroyed, we have enough land to make
17 more food.

18 It's all kinds of alternative things that we
19 can do, you know, to sustain life. We don't
20 have to kill life. You know, it's our place to
21 control. It's up to us, with our God, our human
22 needs, and we're all -- we all have to live.

23 (Speaking in indigenous tongue.)

24 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

25 So I still have Alan Stands, if you would

1 like to come up and speak. No? It's okay.

2 TONIA STANDS: Too shy.

3 REGIONAL JUDICIAL OFFICER SUTIN: I
4 understand.

5 Anyone else at this time? So we will --
6 it's 6:15 [sic]. We will be here for a while.
7 And if you decide you'd like to speak, just let
8 someone know, and we'll open back up the
9 hearing.

10 So we'll go off the record for now.

11 (Pause in the proceeding from
12 7:15 p.m. to 7:27 p.m.)

13 REGIONAL JUDICIAL OFFICER SUTIN: Okay. So
14 we are going to go back on the record.

15 We have two younger folks who I think would
16 like to speak. Rowen and Sequoia, do you want
17 to come up and speak?

18 Do you want to come over here, so.

19 ROWEN BLANCHFLOWER: I think I'm good.

20 REGIONAL JUDICIAL OFFICER SUTIN: Yeah.
21 Okay.

22 REPORTER: No, I need the microphone.

23 REGIONAL JUDICIAL OFFICER SUTIN: Oh, she
24 needs to be able to hear what you're saying
25 because she's recording what you're going to

1 say. So if you can come over here so she can
2 hear what you're saying, that would be great.

3 There you go. Do you want to use this?
4 Here you go.

5 If you don't want to use it, that's fine,
6 just talk really loud. Okay?

7 ROWEN and SEQUOIA BLANCHFLOWER: (Singing in
8 indigenous language.)

9 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
10 I don't think we have any other speakers at
11 this time -- oh, we do? Did you fill out a
12 card?

13 Come on up. Go ahead, if you want to just
14 state your name.

15 DUSTIN BROUGHT PLENTY: My name is Dustin
16 Brought Plenty. I'm from Standing Rock, Fort
17 Yates, North Dakota, Standing Rock Reservation.
18 I'd just like to be here to show my support for
19 the people here that have concerns here about
20 the uranium mining in this area.

21 Just like our concern about the pipeline
22 that was up there, just here to show support for
23 these people here that have all these concerns
24 for this uranium mine.

25 Thank you.

1 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

2 Anyone else? Okay. Well, we will go off
3 the record again. But if anyone decides they'd
4 like to speak, just let us know.

5 (Pause in the proceeding from
6 7:32 p.m. to 7:40 p.m.)

7 DOROTHY ROWLAND SUN BEAR: My name is
8 Dorothy Rowland Sun Bear. I'm from Wounded
9 Knee, South Dakota, on the Pine Ridge Indian
10 Reservation. And I know that the uranium is in
11 our waters and that really concerns me, because
12 I know about the horses that died.

13 And I'd like to know if -- oh, I know that
14 you are in violation of international law for
15 violating the treaty. And the treaty, it says
16 you've got to get three-fourths male referendum
17 vote from the Great Sioux Nation to dig a hole
18 anywhere on our land.

19 You've never, ever done that. That's a
20 violation of international law. That's why I'm
21 asking, you know, why are you guys doing that?

22 A treaty is supreme law of the land they
23 tell us. For who? Because this is our land,
24 and you're constantly stealing our natural
25 resources.

1 We see the coal being stolen every day, now
2 the uranium. Leave the -- leave the natural
3 resources alone. Leave it in the ground where
4 it belongs. You're killing Mother Earth.

5 Thank you.

6 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

7 MS. HALL: Are we going off the record?

8 REGIONAL JUDICIAL OFFICER SUTIN: Yes, we
9 are going back off the record.

10 (Pause in the proceeding from
11 7:42 p.m. to 8:00 p.m.)

12 REGIONAL JUDICIAL OFFICER SUTIN: We're back
13 on the record.

14 And please state your name and go ahead.

15 SCOTT KILE: My name is Scott Kile. I live
16 west of Crawford, Nebraska. And it's been
17 brought up to me that the idea of cleaning up
18 the water back to its original state is the plan
19 for this in-situ leach mine.

20 I live ten miles from the Crow Butte in-situ
21 leach mine, which I believe was originally given
22 a 20-year lease. Then they get a 10-year
23 temporary lease.

24 They've had plenty of time to try to clean
25 that aquifer back up, and I don't believe it has

1 been done or there is any intention of it being
2 done.

3 And I would think that before a new permit
4 is given to exempt an aquifer, these companies
5 should prove that they can put that water back
6 the way it was. And if they can't do it, then
7 they shouldn't be given an exemption.

8 That's my opinion. I think it should be
9 upheld ahead of time rather than wait until
10 afterwards and we find out it can't be done.
11 That's protecting our environment and our water.

12 And something else, as for the water that
13 can't be used later on that they want to inject
14 in a lower area of the earth, that just reminds
15 me of Oklahoma. That is fracking. That is
16 high-pressure water going to lower levels that
17 cause earthquakes.

18 And that is hiding their mess. Because in
19 there, in that water, is minerals that they do
20 not want to deal with, so they want to hide it
21 somewhere. And that's part of extracting it.

22 And when they do this mining, this in-situ
23 leach mining, they take out what they want, and
24 they dump the crap back in there, the bad
25 minerals. And that's what's going to happen.

1 And it shouldn't be allowed in our state or
2 anywhere else. So hopefully they can clean up
3 the water and prove it to us before anything is
4 decided.

5 Thank you.

6 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
7 We'll go back off the record.

8 (Pause in the proceeding from
9 8:01 p.m. to 8:02 p.m.)

10 REGIONAL JUDICIAL OFFICER SUTIN: We'll go
11 back on the record.

12 NANCY KILE: I'm Nancy Kile. I'm from Sioux
13 County, Nebraska. I spoke earlier, but I wanted
14 to talk a little bit about the language that
15 gets used for this industry and their talk about
16 recovery, uranium recovery.

17 We have people in my town, rural people who
18 are saying, "We should be glad that they're
19 taking that bad stuff out of the soils." And --
20 and what they're doing is fracking, but they
21 call it in-situ leach.

22 It's all solution mining using water as a
23 tool. And they are stripping the minerals off
24 of the sand, and they are leaving the bad stuff,
25 like Scott was mentioning earlier.

1 We have this political idea that we have
2 private property rights and we have local
3 control. But we have landowners turning over
4 our land-use decisions to EPA, to NRC, to the
5 state, who is, in our case, in Lincoln. And you
6 know, these are all land-use decisions being
7 taken out of local control.

8 And like Ms. Colombe said earlier, from the
9 Sicangu, we don't have cancer care units close
10 by us. We don't have infrastructures to take
11 care of these kind of operations, cleanups.
12 They are going to cut and run, and we won't have
13 cancer care if we don't start fighting for
14 ourselves and make our elected officials fight
15 for us, too.

16 Thank you for having this public forum. I
17 didn't thank you earlier, but I appreciate it.
18 It's helpful.

19 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

20 Would anybody else like to speak?

21 (No responses.)

22 REGIONAL JUDICIAL OFFICER SUTIN: Okay. Go
23 off the record again.

24 (Pause in the proceeding from
25 8:04 p.m. to 8:34 p.m.)

1 REGIONAL JUDICIAL OFFICER SUTIN: So, folks,
2 we're going to -- it's officially time for the
3 hearing to close, and I need to do that. You're
4 welcome, assuming it's okay with the hotel, to
5 stay and visit and talk, but we have to close
6 out the hearing. So, thank you all for coming
7 and participating in this process.

8 The hearing is now closed.

9 (Proceeding was concluded at 8:35 p.m.)

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STATE OF SOUTH DAKOTA }
COUNTY OF PENNINGTON } SS:

I further certify that I am neither counsel for, related to, nor an employee of any of the parties to this case and have no interest, financial or otherwise, in its outcome.

/s/ Jacqueline K. Perli

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